

## **BOARD FOR CONTRACTORS COMMITTEE MEETING MINUTES**

The Board for Contractors Committee (The Committee) met on Wednesday, February 28, 2006, at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The following Committee members were present:

Robert M. Kirby, Chairman  
Michael D. Redifer, Vice Chairman  
Charles W. Falwell  
James A. Hollar  
Anthony R. Orange  
Ann Rackas Pate

The following DPOR staff attended the meeting:

Karen O'Neal, Deputy Director  
Eric L. Olson, Executive Director  
Kevin Hoeft, Regulatory Boards Administrator  
Karen Kenney, Administrative Assistant  
Bonnie Rhea Adams, Assistant Director  
Jennifer Kazzie, Assistant Director

Chairman Robert Kirby called the meeting to order at 1:00 p.m.

**Call To Order**

The Meeting Agenda was approved unanimously. Motion made by Mr. Redifer and seconded by Mr. Orange.

**Approval of  
Agenda**

The Minutes from the November 16, 2005, Committee meeting were adopted as drafted by unanimous vote. Motion made by Mr. Orange, seconded by Mr. Redifer.

**Minutes  
Adopted**

There was no Public Comment.

**Public Comment**

Kevin Hoeft updated the Committee on the status of its pending reciprocal examination agreements.

**Reciprocity Update**

The Board is seeking examination reciprocity for its Journeyman and Master Electrical Tradesman licenses with the Kentucky Office of Housing, Buildings and Construction's (KOHBC) Electrician and Master Electrician licenses.

**Kentucky  
Electrical Licensing**

KOHBC staff attorney Michael Bennett stated the KOHBC agreed with the proposed examination waiver agreement, and that he only needed to secure the necessary signatures of the state officials authorized to sign the agreement. The original agreement signed by Board Chairman Kinser and Board Secretary Ware was mailed to the Kentucky KOHBC. It is hoped that the required Kentucky signatures be secured so that the agreement will be finalized and in effect by April 1, 2006.

The Board is seeking examination reciprocity for the Virginia Journeyman and Master Plumbing licenses with the Maryland Board of Plumbing for that state's Journey and Master Plumber/Gas Fitter licenses.

**Maryland Board of  
Plumbing**

Maryland State Board of Plumbing Executive Director John Lesho informed staff earlier that he was willing to bring a proposed examination reciprocal agreement with the Virginia Board for Contractors before the Maryland State Board of Plumbing. On September 1, 2005, a cover letter, proposed agreement and enclosures were sent to Mr. Lesho for the Maryland State Board of Plumbing's consideration at either its September 15, 2005, or October 20, 2005, meeting.

Staff has attempted unsuccessfully to contact Mr. Lesho by telephone several times seeking an update on this proposed agreement. The Committee recommended that this proposed agreement be put on hold.

After discussion concerning the Board's current reciprocal licensing and examination agreements with other states' boards, the Committee

**Additional  
Reciprocity**

requested that staff examine the prospects for establishing additional reciprocal licensing and examination agreements with all nearby states.

### **Agreements**

An e-mail question was received by the Board seeking clarification on what type of contractor's or tradesman license is required to install a prefabricated fireplace. 18 VAC 50-30-50.C.4 of the *Board for Contractors Tradesman Regulations* states: "Exemption from licensure are as follows: Installers of wood stove equipment, masonry chimneys, or prefabricated fireplaces shall be exempt from certification as an HVAC tradesman."

### **Installation of Prefabricated Fireplace Systems Question**

The Committee affirmed: 1) A Home Improvement Contracting (HIC) specialty license is needed to install an unvented gas prefabricated fireplace; 2) An HVAC contracting or tradesman license is needed to install or modify a venting system; and 3) A contractor licensed to perform masonry work is authorized to install brick, concrete, block, stone, marble, slate or other types of masonry chimneys.

Board staff received a request from the Compliance and Investigations Division (CID) asking that the definition of a "Change Order" be defined by the Board. After discussion, the Committee determined that a "Change Order" is defined as "Any modification in the original contract including, but not limited to: 1) Time to complete the job; 2) Change in materials; 3) Change in cost; or, 4) Change in the scope of work. The Change Order must be signed by all contracting parties."

### **Definition of Change Order**

The proposed *Board for Contractors Individual License and Certification Regulations* (Adopted by the Board on October 19, 2004) are in the final stages of the Regulatory Review process and should become effective sometime during the Fall of 2006. These proposed regulations include a continuing education requirement (relating to the applicable building code) for licensed electrical, gas fitting, HVAC and plumbing tradesmen, whose license is renewed after July 1, 2007.

### **Continuing Education for Tradesman Licensees**

Tradesman licensees must fulfill this continuing education requirement from an education provider that is approved by the Board. The Board, therefore, will need to begin to receive Continuing Education Provider Applications sometime shortly after the proposed regulations become effective so that affected licensees can meet the continuing education requirement before the proposed July 1, 2007, start date.

After discussion and a motion by Mr. Orange, seconded by Mr. Hollar, the Committee unanimously recommended that the proposed regulations be amended so that the proposed start date for the continuing education requirement be changed to December 31, 2007. This will provide affected licensees with ample time to meet this requirement.

Staff updated the Committee on the status of Senate Bill 72 of the 2006 General Assembly. SB 72 requires eight hours of pre-licensure education for new contractors and will require the Board to promulgate emergency regulations to implement this education requirement. It appears that SB 72 will be approved by the Legislature, signed by the Governor, and go into effect as law on July 1, 2006.

**Pre-licensure  
Education for  
Contractors**

Legal issues arise periodically wherein the Board for Contractors seeks legal advice from the Office of the Attorney General (OAG).

**Legal Questions for  
the Attorney  
General's Office**

The Committee discussed five legal issues that the Board may want to seek advice from the OAG: 1) Pursuant to 54.1-1120.4.i of the *Code of Virginia*, "How is the word 'residence(s)' defined?" For example, is there a certain time period required for a person to establish residency? 2) Pursuant to 54.1-1120.4.i of the *Code of Virginia*, "Does the word 'residence(s)' include contracting work done to add or remodel a residence-based business, such as a day-care facility?" 3) "Does an insurance company meet the definition of 'Contractor' when it hires a contractor to repair damage to the property of one of its policyholders?" 4) "Can a Recovery Fund claim payment for a single transaction exceed \$20,000.00 when the amount of the unpaid judgment and the attorney's fees exceed \$20,000.00?" 5) "Do both the regulant and claimant in a Recovery Fund case have the authority to request continuances for IFF meeting dates?"

There was no old business.

**Old Business**

Mr. Hollar proposed that the Committee discuss the matter of requiring licensed contractors to place the name, phone number, license number and class of license on their company vehicles and in their advertisements. After a motion by Mr. Orange, seconded by Mr. Falwell, the Committee decided unanimously to discuss this matter at its next meeting.

**New Business**

Chairman Kirby entertained a motion to adjourn from Mr. Orange, seconded by Mrs. Pate and approved unanimously by the Committee. The meeting adjourned at approximately 2:40 p.m.

**Adjourn**

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Robert M. Kirby, Chairman

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Date